

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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October 07, 2020

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Honorable Joe D. Whitley  
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ATLANTA, GA 30326

Appeal Number: 20-11692-V  
Case Style: USA v. Reality Winner  
District Court Docket No: 1:17-cr-00034-JRH-BKE-1

Counsel,

The referenced cases (U.S. v. Thomas Bryant 19-14267 and U.S. v. Reality Winner 20-11692) both present the issue of whether the First Step Act supersedes the Sentencing Guidelines commentary regarding compassionate release. The oral argument panel would like to inquire as to whether counsel might benefit from the opportunity to have the two cases argued together, with the government allotted 30 minutes and defense counsel allotted 15 minutes per case. The panel offers this option of consolidation only if it would be helpful to counsel, with the idea that there may be efficiencies to having all arguments made on the compassionate release issue consolidated into a single presentation.

The court is aware that Ms. Winner's appeal includes disputes beyond the compassionate release issue referenced above. If consolidation would not be helpful to counsel, the court will not require it. Beyond that, the court will consolidate the arguments only if all counsel agrees. The court requests to be informed of counsel's decision on consolidation within ten (10) days of entry of this Order.

Sincerely,  
DAVID J. SMITH, Clerk of Court

Reply to: Bryon A. Robinson  
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LetterHead Only